

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Petition of Icom America, Inc.)	
To Amend Parts 22 and 90 of the)	RM 11311
Commission's Rules to Reallocate Certain)	
150 MHz Public Mobile Radio Service Frequencies)	
to the Public Safety Radio services)	

**COMMENTS OF THE NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL**

The National Public Safety Telecommunications Council (NPSTC) submits these comments addressing the Petition for Rulemaking filed by Icom America, Inc. (Icom). Icom requests the Commission to commence a rulemaking to allocate certain 150 MHz frequencies to the Public Safety Radio Pool. These frequencies are Part 22 Public Mobile Radio Frequencies (18 Pairs and 4 unpaired frequencies) that were not sold at auction. NPSTC supports the Petition for Rulemaking.

The National Public Safety Communications Council

NPSTC serves as a resource and advocate for public safety organizations in the United States on matters relating to public safety communications. NPSTC is a federation of public safety organizations dedicated to encourage and facilitate through a collective voice the implementation of the Public Safety Wireless Committee (PSWAC) and the 700 MHz Public Safety National Coordination Committee (NCC) recommendations. NPSTC explores technologies and public policies involving public safety agencies, analyzes the ramifications of particular issues, and submits comments to governmental bodies with the objective of furthering public safety communications

worldwide. NPSTC serves as a standing forum for the exchange of ideas and information for effective public safety telecommunications. The following thirteen organizations participate in NPSTC:

American Association of State Highway and Transportation Officials

American Radio Relay League

American Red Cross

Association of Public-Safety Communications Officials-International

Forestry Conservation Communications Association

International Association of Chiefs of Police

International Association of Emergency Managers

International Association of Fire Chiefs

International Association of Fish and Wildlife Agencies

International Municipal Signal Association

National Association of State Emergency Medical Services Officials

National Association of State Telecommunications Directors

National Association of State Foresters

Several federal agencies are liaison members of NPSTC. These include the Department of Agriculture, Department of Homeland Security (SAFECON Program and the Federal Emergency Management Agency), Department of Commerce (National Telecommunications and Information Administration), Department of the Interior and the Department of Justice (National Institute of Justice, Communications Technology (CommTech)).

Additional Spectrum in the 150 MHz Band Would Assist Public Safety Communications

The 150 MHz band is an important resource for public safety communications. These VHF operations are in many circumstances the only means to conduct wireless communications for a range of agencies. In fact, 43% of public safety agencies use the band for core communications capability; assisting these agencies is an important objective. Several manufacturers serve the market. There is therefore a significant efficiency gained by committing these additional 150 MHz channels to the public safety radio service. With the market established, equipment will not have to be designed, tested and manufactured. That the channels were not sold at auction indicates the lack of commercial interests in the channels.

Affording public safety agencies access to these channels will overcome the significant expense and time associated with the waiver process accompanying section 337(c) of the Communications Act of 1934, as amended. Permitting public agencies to seek these channels within the frequency coordination process will provide an efficient means for some agencies to obtain additional channels. Such an action will reflect the Commission's continued efforts to provide general and discrete relief to public safety agencies.

NPSTC's support of the Petition comprehends that the opportunities for relief will be limited. It is unlikely that any channels will be available in major metropolitan areas. Moreover, the presence of any incumbent paging operation will likely preclude public safety use. A rulemaking proceeding will clarify where these channels are available and the extent they can be used without incumbent interference. Agencies will be able to

determine which of the 900 unsold licenses can be used and the geographic areas where they are available.

NPSTC believes that such a proceeding should also evaluate relevant rules that could severely public safety communications. Specifically, we recommend that the Commission examine the interference rules of Part 22 as contrasted with those of Part 90. Section 22.503(h) is extremely restrictive and is ripe for review. Currently, the *interference contour* of a station cannot overlap the geographic boundary. This is in sharp contrast to similar rules adopted in Part 90 for 800 MHz. Section 90.689(b) prohibits overlap of the *service contour*, rather than the interference contour, at geographic area boundaries. Section 90.671 has similar requirements for 900 MHz stations. These rules allow stations to provide full service signal levels at the geographic boundaries rather than only interference contour levels. NPSTC urges the Commission to adopt similar rules for Part 22.

Conclusion

The National Public Safety Telecommunications Council supports Icom's Petition for Rulemaking to allocate certain 150 MHz frequencies to the Public Safety Radio Pool and recommends that the Commission commence a rulemaking proceeding to examine how best these channels can be made available for public safety communications.

Respectfully submitted,

Vincent R. Stile

Vincent R. Stile, Chair
NATIONAL PUBLIC SAFETY
TELECOMMUNICATIONS COUNCIL
68 Inverness Lane East, Suite 204
Englewood, Colorado 80112
866-807-4755

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Certification

The Comments of the National Public Safety Telecommunications Council addressing the Petition for Rulemaking of Icom America, Inc. were filed with the Commission's Secretary via its electronic filing system. A copy was sent via First Class Mail to:

Alan S. Tilles, Esquire
Attorney for Icom America, Inc.
Shulman, Rogers, Gandal, Pordy, & Ecker
11921 Rockville Pike
Rockville, Maryland 20852

John E. Logan
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